

**Commonwealth of Massachusetts  
Executive Office of Health and Human Services**

**NOTICE OF PUBLIC HEARING**

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, a remote public hearing will be held on Tuesday, October 26, 2021, at 9:00 a.m. relative to the emergency adoption of:

**101 CMR 204.00: Rates of Payment to Resident Care Facilities.**

The proposed amendments would eliminate COVID-19 supplemental support payments that would be paid to all resident care facilities if certain benchmarks are met with respect to increasing COVID-19 infection rates and high numbers of facilities reporting low staffing. The proposed amendments would retain payments for staff surveillance testing and, as of October 1, 2021, would provide a one-time amnesty, allowing resident care facilities ineligible or at risk of losing eligibility for such payments due to accrued instances of non-compliance to start with a clean record and enabling previously ineligible resident care facilities to regain eligibility for prospective payments. Finally, the proposed amendments would allow resident care facilities to bill separately at the standard rate established at 101 CMR 446.00 (\$45.87) for COVID-19 vaccine administration. The fiscal impact of these amendments is an annualized amount of approximately \$1,028,160 related to the one-time amnesty (if all rest homes newly eligible continue to comply with the weekly surveillance testing and reporting requirements), and a one-time amount of \$50,457 (if all rest homes provide vaccine administration to all residents, but this amount may vary if certain rest homes do not provide vaccine administration or administer additional doses). Approximately \$907,257 in fiscal impact would be realized in FY2022.

This regulation is being filed on an emergency basis to provide increased funding to resident care facilities to ensure that facilities remain adequately funded and address these COVID-19-related costs.

The regulation went into effect as an emergency on October 1, 2021. There is no fiscal impact on cities and towns.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings). To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to [ehs-regulations@mass.gov](mailto:ehs-regulations@mass.gov) as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the

sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on October 26, 2021.

To review the emergency regulation, go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings) or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. To view or download related supporting materials, go to [www.mass.gov/service-details/proposed-regulations-supporting-materials](http://www.mass.gov/service-details/proposed-regulations-supporting-materials).

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at [ADAAccommodations@mass.gov](mailto:ADAAccommodations@mass.gov) or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a final, revised version of the emergency regulation taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings).

October 4, 2021